S.B. CIVIL WRIT PETITION NO.6742/2007

Smt. Basanti Devi.
vs.
District Judge, Jodhpur and ors.

Date : 3.12.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Moti Singh, for the petitioner.
Mr.SKM Vyas, for the respondents.

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Heard learned counsel for the parties.

The petitioner has challenged the order of the trial court dated 25.9.2007 by which the trial court closed the right of the petitioner/defendant of filing the written statement.

Learned counsel for the respondents submitted that sufficient time was granted and the petitioner did not file the written statement in time but if this Court finds it a case worth giving one more opportunity to the defendant, then cost be imposed.

In the facts of the case, a lenient view could have been taken by the trial court and is taken by

this Court.

In view of the above, this writ petition is allowed and the impugned order dated 25.9.2007 is set aside. Now, the petitioner may file the written statement within a period of 15 days from today after paying cost of Rs.1,000/- to the plaintiff.

(PRAKASH TATIA), J.

S.Phophaliya